

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Friday, January 2, 1998

DIVISION THREE

A076275 -- Gavril Gross, et al. v. Ken Sokolik, et al.

The judgment is affirmed. Gross and Kocher shall recover their costs on appeal. Parrilli, J. We concur: Phelan, P.J., Corrigan, J. (Not for Publication.)

DIVISION FOUR

A077637 -- The People v. Rhonda Marie Meier (Neely).

The judgment is affirmed. Hanlon, P.J. We concur: Reardon, J., McGuiness, J. (Not for Publication.)

DIVISION FIVE

A078232 -- William R. Setzler v. Retirement Board of the City and County of San Francisco.

By The Court: The parties agree the trial court was misled by considering appellant's application for writ of mandate on a record that was, in part, not the record before the administrative law judge, and that may have included matter which was improperly before the San Francisco Retirement Board. The parties agree such record should be corrected.

Accordingly, the appeal is dismissed and the matter is remanded to the trial court so it can reconsider appellant's petition after viewing the videotape identified as "exhibit 8". The trial court may take whatever steps it deems necessary to decide the petition including, to the extent permissible by controlling law, remanding the matter to the retirement board so it may reconsider its ruling.

This is a procedural ruling and does not reflect the court's views on the merits of the appeal.

The parties shall bear their own costs. Haning, Acting P.J.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Monday, January 5, 1998

DIVISION TWO

A075851 -- Alicia Dahlin v. El Torito Restaurants, Inc., et al.

By The Court: It is ordered that the opinion filed herein on December 5, 1997, be modified in the following particulars: (See Order) The petition for rehearing is denied. Kline, P.J. (Not for Publication.)

DIVISION THREE

A073596 -- Cynthia Jill Ford et al., v. Pacific Gas and Electric Company.

Order Certifying Publication; By The Court: The written opinion filed December 8, 1997, has now been certified for publication pursuant to rule 976(b) of the California Rules of Court. It is therefore ordered that it be published in the Official Reports. Phelan, P.J.

A075550 -- The People v. Kenneth James Smith.

The judgment is affirmed. Corrigan, J. We concur: Phelan, P.J., Parrilli, J. (Not for Publication.)

A075984 -- The People v. Lawrence Mark Wells.

The judgment is affirmed. Corrigan, J. We concur: Phelan, P.J., Parrilli, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Tuesday, January 6, 1998

DIVISION ONE

A075886 -- The People v. Anthony L. Webb.

The judgment is affirmed. Swager, J. We concur: Strankman, P.J.,
Dossee, J. (Not for Publication.)

DIVISION TWO

A075340 -- Jerry A. Neal, Sr. v. Wells Fargo Bank, N.A. et al.

We affirm the judgment and respondents are awarded costs. Lambden, J.
We concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

A075728 -- The People v. Paul Oliver Roseman.

The judgment is affirmed. Haerle, J. We concur: Kline, P.J., Ruvolo, J.
(Not for Publication.)

A077259 -- The People v. Garry Allen Sullivan.

The judgment is affirmed. Lambden, J. We concur: Kline, P.J., Haerle, J.
(Not for Publication.)

A077321 -- The People v. Stanley L. Fugate.

A079618 -- In re Stanley L. Fugate on Habeas Corpus.

The petition for habeas corpus is denied.

The judgment and clerk's minutes are modified in accordance with this
opinion, and as so modified, the judgment is affirmed. Lambden, J. We concur:
Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

Tuesday, January 6, 1998 (continued)

A078984 -- In re Kevin H., a Person Coming Under the Juvenile Court Law.

We find no meritorious issues to be argued. The judgment is affirmed. Kline, P.J. We concur: Haerle, J., Lambden, J. (Not for Publication.)

DIVISION FIVE

A075180 -- The People v. Beverly Kathleen Stafford.

We affirm. Jones, J. We concur: Peterson, P.J., Haning, J. (Not for Publication.)

A077586 -- In re Anthony T., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. Haning, J. We concur: Peterson, P.J., Jones, J. (Not for Publication.)

A078177 -- In re Edward J., Jr., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. Jones, J. We concur: Peterson, P.J., Haning, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

DIVISION FOUR

Tuesday, January 6, 1998

Court convened at 9:30 a.m. in its courtroom at 303 Second Street, South Tower, Fourth Floor, San Francisco, California. Present: Hanlon, P.J., Poche, J. and Reardon, J.; Channing Hoo, Deputy Clerk; CHP Officer Curtis Reese, Baliff.

- A071280 Dennis Wozniak Graphic Design et al.
v.
Phoebe Hearst Cooke et al.
Cause called and argued by James Wagstaffe and Charles J. Smith, counsel for appellants Cooke et al. and by Daniel H. Qualls, counsel for respondents. Cause shall be submitted by January 13, 1998.
- A076842 James Panagotacos et al.
v.
Bank of America, NT & SA
Cause called and argued by Craig Pridgen, counsel for appellants Panagotacos et al., and by Cheryl Stevens, counsel for respondent. Cause ordered submitted.
For the following cases this morning, the court reconstituted itself to include Hanlon, P.J., Reardon, J. and McGuiness, J.
- A074574 People
v.
Richard Edward Wright, Jr.
Cause called and argued by Kyle Gee, counsel for appellant Wright, and by Andrew Sweet, counsel for respondent. Cause ordered submitted.
- A076096 Jesus Berrios
v.
Case International et al.
Cause called and argued by John Elstead, counsel for appellant Berrios, and by Eric Leitner, counsel for respondents. Cause ordered submitted.

A077867

Pro-Family Advocates et al.

v.

James Gomez

Cause called and argued by Michael Satris, counsel for appellants Pro-Family et al., and by Susan J. King, counsel for respondent. Cause ordered submitted.

The court recessed at 12:10 p.m.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Wednesday, January 7, 1998

DIVISION ONE

A081082 -- In re Troy Anthony Rhodes on Habeas Corpus.

By The Court: The petition for writ of habeas corpus is denied.
Strankman, P.J.

A081181 -- In re Cleon Willard Montgomery on Habeas Corpus.

By The Court: The petition for writ of habeas corpus is denied.
Strankman, P.J.

DIVISION TWO

A079292 -- In re David P., a Person Coming Under the Juvenile Court Law.

The order adjudging appellant a continued ward of the court and placing him at the CYA is affirmed. Haerle, J. We concur: Kline, P.J., Lambden, J. (Not for Publication.)

DIVISION THREE

A076945 -- In re Terrico J., a Person coming Under the Juvenile Court Law.

Affirmed. Walker, J. We concur: Phelan, P.J., Parrilli, J. (Not for Publication.)

Wednesday, January 7, 1998 (continued)

A077057 -- Rayna Beauchamp et al. v. Vallejo Garbage Service, Inc.

The trial court's postjudgment order denying costs and attorney fees against respondents Epstein and Beauchamp is reversed and remanded with directions to make an appropriate award of costs and attorney fees pursuant to sections 128.5 and 1141.21. With regard to the trial court's consideration of an appropriate award under sections 128.5 and 1141.21 as to respondent Beauchamp alone, the trial court shall consider only those costs and fees, other than arbitrator fees, incurred from the time of Beauchamp's election of the trial de novo, and shall determine whether imposition of such costs and fees on Beauchamp would create such a substantial economic hardship as not to be in the interest of justice. In all other respects, the judgment is affirmed. Appellant Vallejo shall recover its costs on this appeal. Parrilli, J. We concur: Phelan, P.J., Walker, J. (Not for Publication.)

A078481 -- First Presbyterian Church of Berkeley v. City of Berkeley et al.

Order Denying Requests for Rehearing and Order Modifying Opinion; By The Court: It is ordered that the opinion filed herein on December 10, 1997, be modified in the following particulars: (See Order) There is no change in the judgment.

It is further ordered that the requests for rehearing are denied. Phelan, P.J. (Certified for Publication.)

DIVISION FOUR

A079351 -- The People v. James Jacquot Reesor.

The judgment is affirmed. McGuiness, J. We concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

Wednesday, January 7, 1998 (continued)

DIVISION FIVE

A077040 -- The People v. Frederick Anthony Carty.

The judgment is affirmed. Haning, J. We concur: Peterson, P.J., Jones, J.
(Not for Publication.)

A077159 -- Robert A. Retsch, et al. v. Sign & Post Company, Inc., et al.

The judgment is affirmed. Jones, J. We concur: Peterson, P.J., Haning, J.
(Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Thursday, January 8, 1998

DIVISION ONE

A076392 -- The People v. Josiah Cheston Barra et al.

The judgments are affirmed. Strankman, P.J. We concur: Stein, J., Swager, J. (Certified for Partial Publication.)

A081183 -- Maxie Smith v. The Superior Court of Alameda County.

By The Court: The petition for writ of mandate or prohibition is denied. Dossee, Acting P.J.

A081238 -- Trinidad Benafin, et al. v. The Superior Court of San Francisco County, The City and County of San Francisco, et al, R.P.I.

By The Court: The petition for writ of mandate or prohibition is denied. Strankman, P.J.

DIVISION TWO

A074725 -- The People v. Guadalupe Torres.

We reluctantly conclude that the entire judgment must be reversed. Our opinion has cited at least eight errors committed during the course of the trial. The cumulative effect of these errors makes it impossible to believe that defendant received a fair trial. The court gave a number of erroneous instructions and erred in denying the motion to discharge counsel, the prosecutor committed misconduct during closing argument, and defense counsel's performance was deficient in a

Thursday, January 8, 1998 (continued)

number of respects. It is the combination of these errors that leads us to find a miscarriage of justice in this case. Where the errors singularly may not have been prejudicial, their cumulative effect is ample to impugn the fairness of the trial. (*People v. Zerillo* (1950) 36 Cal.2d 222, 233.) Furthermore, the case against defendant, particularly as to the first degree murder count, was a close case, as reflected in the fact that the jury deliberated almost eight hours over two days before reaching its verdict. (See *People v. Newson* (1951) 37 Cal.2d 34, 45.) Granted that error-free trials are rare, the number and severity of errors committed here are so numerous and the case sufficiently close to require reversal. Kline, P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

A076672 -- The People v. Jack Frederick Gilley.

The judgment is affirmed. Kline, P.J. We concur: Haerle, J., Lambden, J. (Not for Publication.)

A077505 -- Kristie E. Hughes v. Boren Huang.

The judgment is reversed. Costs to appellant. Ruvolo, J. We concur: Kline, P.J., Lambden, J. (Not for Publication.)

A080619 -- In the Matter of Marisella D. and Mikaela C., Minors.

The petition for extraordinary writ is denied on the merits. Since the permanency planning hearing is presently set for January 12, 1998, our decision is final as to this court immediately. (Cal. Rules of Court, rule 24(d).) Kline, P.J. We concur: Haerle, J., Lambden, J. (Not for Publication.)

DIVISION FOUR

A076096 -- Jesus Berrios v. Case International et al.

The order of dismissal is affirmed. McGuinness, J. We concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

Thursday, January 8, 1998 (continued)

A076842 -- James Panagotacos et al. v. Bank of America et al.

The judgment is affirmed. Respondent shall recover its costs on appeal.
Hanlon, P.J. We concur: Poché, J., Reardon, J. (Certified for Publication.)

A076950 -- The People v. David A. Renner.

The trial court ruling recusing the Humboldt District Attorney's office from prosecution of the case is affirmed. Saldamando, J.* We concur: Hanlon, P.J., Poché, J.

*Judge of the Superior Court, City and County of San Francisco, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution. (Not for Publication.)

A079689 -- The People v. Francisco Gonzales.

The judgment is affirmed. McGuiness, J. We concur: Hanlon, P.J., Reardon, J. (Not for Publication.)

DIVISION FIVE

A075325 -- Vern Weber v. Titchell, Maltzman, Mark, Bass, Ohleyer & Mishel et al.

Order Modifying Opinion and Denying Rehearing; It is ordered that the opinion filed herein on December 19, 1997, be modified in the following particulars: (See Order) This modification does not affect the judgment.

Except as modified, the petition for rehearing is denied. Jones, Acting P.J. (Not for Publication.)

A076983 -- The People v. Eric N. Lloyd.

The judgment is affirmed. Peterson, P.J. We concur: Haning, J., Jones, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Friday, January 9, 1998

DIVISION TWO

A078353 -- John Hancock Mutual Life Insurance Company v. Benjamin J. Greer, M.D.

The judgment is affirmed. Costs to Greer. (Cal. Rules of Court, rule 26(b).) Ruvolo, J. We concur: Kline, P.J., Lambden, J. (Certified for Publication.)

DIVISION THREE

A074816 -- Alice Ching et al. v. San Francisco Board of Permit Appeals, Harsch Investment Corporation, R.P.I.

The judgment is reversed. Phelan, P.J. We concur: Corrigan, J., Walker, J. (Certified for Publication.)

DIVISION FIVE

A075831 -- The People v. Katalin Eva Horvath.

A079095 -- In re Katalin Eva Horvath, on Habeas Corpus.

The judgment is affirmed. The petition for habeas corpus is denied. Haning, J. We concur: Peterson, P.J., Jones, J. (Not for Publication.)

Friday, January 9, 1998 (continued)

A077752 -- The People v. Mack H. Page.

We affirm. Jones, J. We concur: Peterson, P.J., Haning, J. (Not for Publication.)

A078222 -- The People v. Tamarra T. McCoy.

The state prison sentence is vacated, and the matter is remanded for resentencing in accordance with the views expressed in this opinion. Peterson, P.J. We concur: Haning, J., Jones, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Monday, January 12, 1998

DIVISION ONE

A075356 -- Lawrence J. Chazen et al. v. Centennial Bank.

A075424 -- Sheldon Brown et al. v. Centennial Bank et al.

The judgment against appellant Brown is reversed to the extent that it dismissed the fifth cause of action for conversion of the first amended complaint and is otherwise affirmed. The judgment against appellant Chazen is affirmed.

Costs to appellant Brown. Costs to Centennial Bank on Chazen's appeal. Swager, J. We concur: Strankman, P.J., Dossee, J. (Not for Publication.)

A076879 -- Vernon Synovec et al. v. William D. Thompson et al.

The judgment is reversed, and the matter is remanded for further proceedings consistent with this opinion. Stein, Acting, P.J. I concur: Dossee, J. See dissenting opinion of Swager, J. (Not for Publication.)

A077435 -- The People v. Joseph Dean Stritenberger.

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Swager, J. (Not for Publication.)

A077654 -- In re Cedric R., a Person Coming Under the Juvenile Court Law.

The robbery enhancement for being armed with a firearm pursuant to section 12022, subdivision (a)(1) (mistakenly recorded as a section 12022, subdivision (b) enhancement) is stricken. The related finding that appellant committed an offense authorizing his CYA commitment until his 25th birthday is stricken. (Welf. & Inst. Code, §§ 707, subd. (b)(3), 1769, subd. (b).) The sentence for conspiracy is stayed. (Pen. Code, § 654.) The maximum term of

Monday, January 12, 1998 (continued)

appellant's confinement is modified to 8 years, 2 months. As modified, the order of the juvenile court continuing appellant as a ward of that court and committing him to CYA is affirmed. Strankman, P.J. We concur: Stein, J., Swager, J. (Not for Publication.)

A078876 -- In re the Marriage of Victoria Bennington Mohatt and Jayson Arthur Mohatt.

The post-dissolution order filed April 24, 1997, modifying child support and child custody is reversed insofar as it directs Father to pay "a child support/surcharge in the amount of \$197 a month." The order is otherwise affirmed. The case is remanded to the trial court for adjustment of the ancillary wage assignment order and an award of credit due Father for any surcharge payments. The parties shall bear their own costs on appeal. Strankman, P.J. We concur: Dossee, J., Swager, J. (Not for Publication.)

A079315 -- The People v. Joseph Adam Ingram.

The judgment is affirmed. Stein, J. We concur: Strankman, P.J., Dossee, J. (Not for Publication.)

DIVISION TWO

A072910 -- As You Sow v. Cotter & Company.

We affirm the judgment and AYS is to recover its costs on appeal. Lambden, J. We concur: Kline, P.J., Haerle, J. (Not for Publication.)

Monday, January 12, 1998 (continued)

A075251 -- Allyn Beth Landau, M.D. v. The Superior Court of the State of California, In and For the City and County of San Francisco, Medical Board of California, R.P.I.

A075493 -- Allyn Beth Landau, M.D. v. Medical Board of California.

The appeal is dismissed. The alternative writ is discharged and the petition for writ of mandate is denied. Kline, P.J. We concur: Haerle, J., Ruvolo, J. (Certified for Publication.)

A077207 -- In re Victor J., Jr., a Person Coming Under the Juvenile Court Law.

The order of commitment shall be modified to reflect the correct terms as specified herein and, as so modified, is affirmed. Kline, P.J. We concur: Haerle, J., Lambden, J. (Not for Publication.)

DIVISION THREE

A079103 -- The People v. Vincenz Cornelius Schultz.

The judgment is affirmed. Phelan, P.J. We concur: Corrigan, J., Parrilli, J. (Not for Publication.)

DIVISION FIVE

A073536/A077966 -- In re the Matter of Edward S., a Minor.

The order terminating jurisdiction is vacated; and the matter is remanded for entry of a new order terminating jurisdiction, in accordance with the views expressed herein. We also order that all subsequent proceedings in this matter take place in the family law court, not the juvenile court. Peterson, P.J. We concur: Haning, J., Jones, J. (Not for Publication.)

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Tuesday, January 13, 1998

DIVISION TWO

A076647 -- Alexander “Skip” Spence, an Incompetent Person, etc. v. Nicholas Clainos.

We reverse the judgment as it pertains to Mosley’s and Spence’s claims of fraud, negligent misrepresentation, accounting breach of fiduciary relationship, conversion, constructive trust, intentional infliction of emotional distress, and negligent infliction of emotional distress, and we affirm the judgment in all other respects. No party is awarded costs. Lambden, J. We concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

A076773 -- Lawrence Cain v. Pittsburgh Corning Corp.

The judgment is affirmed. Haerle, Acting P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

A077574 -- Alexander “Skip” Spence an Incompetent Person, etc. v. David Rubinson et al.

We reverse the judgment as it pertains to Mosley’s and Spence’s claims of breach of oral and written contract, fraud, negligent misrepresentation, accounting, breach of fiduciary relationship, conversion, constructive trust, and we affirm the judgment in all other respects. No party is awarded costs. Lambden, J. We concur: Haerle, Acting P.J., Ruvolo, J. (Not for Publication.)

Tuesday, January 13, 1998 (continued)

DIVISION THREE

A078345 -- In re Jerome T., a Person Coming Under the Juvenile Court Law.

We conclude there are no potentially meritorious issues which require briefing by appellate counsel. The jurisdictional and dispositional orders are affirmed. Phelan, P.J. We concur: Corrigan, J., Walker, J. (Not for Publication.)

A079284 -- The People v. Emile C. Richard.

The judgment is affirmed. Phelan, P.J. We concur: Parrilli, J., Walker, J. (Not for Publication.)

DIVISION FOUR

A077554 -- Frank J. Farrell v. James Ostroff et al.

Judgment affirmed. Reardon, J. We concur: Hanlon, P.J., Poché, J. (Not for Publication.)

DIVISION FIVE

A077361 -- In re Brandon S., a Person Coming Under the Juvenile Court Law.

We affirm the trial court's denial of Brandon's motion to withdraw his admission. Jones, J. We concur: Peterson, P.J., Haning, J. (Not for Publication.)

Tuesday, January 13, 1998 (continued)

A077793 -- The People v. John Deaton.

By The Court: Through clerical error and inadvertence on January 8, 1998, the opinion for the above entitled cause was file stamped December 8, 1997. The opinion is hereby ordered filed nunc pro tunc on January 8, 1998. Jones, Acting P.J.

A077834 -- Raymond Dobard v. County of Alameda, et al.

By The Court:* The trial court's judgments of dismissal are affirmed. The trial court's order declaring Dobard to be a vexatious litigant is also affirmed.

*Peterson, P.J., Haning, J., Jones, J. (Not for Publication.)

A078146 -- Robert S. Shotwell v. Richard Adeline.

The judgment is affirmed. Jones, J. We concur: Peterson, P.J., Haning, J. (Not for Publication.)

A078222 -- The People v. Tamarra T. McCoy.

By The Court: Through clerical error and inadvertence on January 9, 1998, the opinion for the above entitled cause was file stamped December 9, 1997. The opinion is hereby ordered filed nunc pro tunc on January 9, 1998. Jones, Acting P.J.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

DIVISION THREE

TUESDAY, JANUARY 13, 1998

Court convened at 9:00 a.m. in its Courtroom at 303 Second Street, South Tower, Fourth Floor, San Francisco, California.

Present: Phelan P.J., Corrigan J., Walker, J., and J. Casados, Deputy Clerk

A076270 The People,
 v.
 Jose Eugenio Melhado.
Cause called and argued by Gary Crooks, counsel for appellant,
and Deputy Attorney General, Catherine Rivlin, counsel for respondent.
Cause ordered submitted.

A076854 The People,
 v.
 James Earl Vick.

A079193 In re James Earl Vick on Habeas Corpus.
Cause called and argued by Evan Young, counsel for appellant and
petitioner, and Deputy Attorney General, Richard Rochman, counsel for
respondents. Cause ordered submitted.

Justice Parrilli took the bench.

A075988 Ahn Motel Investment,
 v.
 The City of Livermore.
Cause called and argued by Robert Goodwin, counsel for appellant, and
Gabrielle Whelan, counsel for respondent. Cause ordered submitted.

Justice Corrigan left the bench.

A076537 The People,
 v.
 Todd Allen Nicholson.
Cause called and argued by C. Zadik Shapiro, counsel for appellant, and
Deputy Attorney General, Martin S. Kaye, counsel for respondent. Cause
ordered submitted.

A077169 The People,
 v.
 Jose Luis Hernandez.
Cause called and argued by Robert Riggs, counsel for appellant, and
Deputy Attorney General, Allan Yannow, counsel for respondent. Cause
ordered submitted.

Court recessed until 1:30 p.m.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

DIVISION THREE

TUESDAY, JANUARY 13, 1998

Court convened at 1:30 p.m. in its Courtroom at 303 Second Street, South Tower, Fourth Floor, San Francisco, California.

Present: Phelan P.J., Parrilli, J., Walker, J., and J. Casados, Deputy Clerk

A074592 Economic Empowerment Foundation
 v.
 Charles Quackenbush, etc.;
 State Farm Mutual Auto Insurance Company et al.
 Cause called and argued by Gil Coogler, counsel for appellant; Vanessa
 Wells, counsel for real parties in interest; and by Deputy Attorney General,
 Paul Gifford, counsel for respondent. Cause ordered submitted.

Justice Phelan left the bench and Justice Corrigan took the bench.

A077126 Rudolph T. Davi et al.,
 v.
 Condor Insurance Company et al.
 Cause called and argued by David P. Dibble, counsel for appellant, and
 Lawrence A. Strick, counsel for respondent. Cause ordered submitted.

Court adjourned.

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Wednesday, January 14, 1998

DIVISION ONE

A077421 -- Citizens for Open Access to Sand and Tide, Inc. v. Seadrift Association et al.

Accordingly, the judgment is affirmed. Costs on appeal are awarded to respondents. Swager, J. We concur: Strankman, P.J., Dossee, J. (Certified for Publication.)

DIVISION TWO

A070295 -- Brian F. Sears v. Martin H. Baccaglio.

We affirm the judgment, and Baccaglio is awarded costs. Lambden, J. I concur: Haerle, J. See concurring and dissenting opinion of Kline, P.J. (Certified for Partial Publication.)

A080764/A080765 -- In re Jonathan J., a Person Coming Under the Juvenile Court Law.

Lauren and Elmer J.'s petitions for extraordinary writ and requests for stays are denied. Haerle, Acting P.J. We concur: Lambden, J., Ruvolo, J. (Not for Publication.)

Wednesday, January 14, 1998 (continued)

DIVISION THREE

A073705 -- The People v. Franz Roland Ray.

A078225 -- In re Franz Roland Ray, on Habeas Corpus.

The judgment is affirmed. Parrilli, J. We concur: Phelan, P.J., Walker, J.
(Not for Publication.)

A073883 -- Economic Empowerment Foundation v. Charles Quackenbush, as Insurance Commissioner, etc., et al, Farmers Insurance Group of Companies, R.P.I.

Affirmed. Walker, J. We concur: Phelan, P.J., Parrilli, J. (Not for Publication.)

A075364 -- The People v. Mautu Maea, Jr.

The findings on the multiple-murder special circumstances are vacated.
The judgment is affirmed in all other respects. Parrilli, J. We concur: Phelan, P.J., Walker, J. (Not for Publication.)

A079323 -- The People v. George Kenneth Andrews.

The judgment is affirmed. McGuiness, J. We concur: Hanlon, P.J., Poché, J. (Not for Publication.)

DIVISION FOUR

A077766 -- The People v. Ronald Anthony Mack, Sr.

The judgment is affirmed. McGuiness, J. We concur: Hanlon, P.J., Poché, J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL FIRST APPELLATE DISTRICT DIVISION TWO

Wednesday, January 14, 1998

The Court met at 9:30 a.m. in its courtroom at 303 - 2nd Street, Fourth Floor, San Francisco. Present: Haerle, Acting P. J., Lambden, J., Ruvolo, J. and S. Graham, Deputy Clerk.

- A076260 The People
 v.
 Emad Fuad Ayyoub
Cause called and argued by William Robinson, counsel for appellant and Andrew Sweet, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A076725 Bergen Brunswick Drug Co.
 v.
 Milton Sloban, et al.
Cause called and argued by Steven Lubliner, counsel for appellant and Robert Currie, counsel for respondent. Cause ordered submitted.
- A077382 Sheryl Land
 v.
 On Site Development, Inc., et al.
Cause called and argued by Brendon Ishikawa, counsel for appellant and Sheryl Land, respondent in propria persona. Cause ordered submitted.
- A077186 Melvin Haynes
 v.
 Bruce MacPhee
Cause called and argued by Gregory Haynes, counsel for appellant and Kathleen Moura and Peter N. Brewer, counsel for respondents. Cause ordered submitted.
- A078292 Harvey L. Poppel, et al.
 v.
 Town of Tiburon
Cause called and argued by Anne Mudge, counsel for appellant and Ann Danforth and Robert Epstein, counsel for respondent. Cause ordered submitted.

A076686 James J. O'Donnell, et al.
v.
Bostwick & Tehin, et al.
Cause called and argued by James O'Donnell, counsel for appellants and Michael Brown and G. Wynn Smith, counsel for respondents. Cause ordered submitted.

Court recessed until 1:30 p.m.

Court reconvened at 1:30 p.m. Present: Kline, P. J., Haerle, J., Lambden, J., Ruvolo, J. and S. Graham, Deputy Clerk. At this point, Presiding Justice Kline announced that the panel on the first and last two cases would be Justices Haerle, Lambden and Ruvolo and the panel on the remaining cases would be himself and justices Haerle and Lambden.

A071967 The People
v.

Neil Rennis Shumate

A080138 In re Neil Rennis Shumate, on Habeas Corpus
Cause called and argued by Michael Snedeker, counsel for appellant and Joan Killeen, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A075575 The People
v.

Alycia Marie Gedman

A078929 In re Alycia Marie Gedman, on Habeas Corpus
Cause called and argued by Jennifer Schwartz, counsel for appellant and Jeffrey Bryant, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A063459 James Buttram
v.
Owens-Corning Fiberglas Corp.
Cause called and argued by James C. Nielsen, counsel for appellant and Bryce Anderson, counsel for respondent. Cause ordered submitted.

A078344 The People

v.

Alvin M., a Minor

Cause called and argued by Sheila Brogna, counsel for appellant and Ronald Matthias, counsel for respondent. Cause ordered submitted.

A077009

In re Don L.

Social Services Agency

v.

Donna C.

Cause called and argued by Leann Bischoff, counsel for appellant and Janice Amenta, Deputy County Counsel, counsel for respondent. Cause ordered submitted.

A078034

The People

v.

David E. Carter

Cause called and argued by Jeffrey Glick, counsel for appellant and Andrew Sweet, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

A077456

Jean Kelly

v.

American States Insurance Co.

Cause called and argued by Lancy Stryker, counsel for appellant and Steve Sumnick and Gerald Clausen, counsel for respondents. Submission deferred 2 days to allow parties to submit letter briefs of no more than 1 page.

Court recessed until Thursday, January 15, 1998 at 9:30 a.m.

